

CHAPTER 12 - ANIMAL REGULATIONS

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SECTION 12.101. RULES AND DEFINITIONS.

A. Rules of Word Construction. The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural number and the plural the singular.
2. The word "shall" is mandatory; the word "may" is permissive.
3. The masculine gender includes the feminine and neuter.

B. Definitions. Whenever in this Chapter the following words and phrases have been used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them to this subsection, except when the context otherwise indicates:

1. **ANIMAL.** Any live creature, both domestic and wild, except humans.
2. **ANIMAL CONTROL OFFICER.** An officer, employee or agent of the Village, designated by the President and Board of Trustees to administer and enforce the inspection and enforcement requirements contained within this chapter.
3. **ANIMAL HOSPITAL.** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.
4. **ANIMAL NUISANCE.** Any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of an animal.
5. **ANIMAL SHELTER.** Any facility operated by a duly incorporated humane society, animal welfare society, facility operated by a veterinarian or nonprofit organization, whose purpose is to provide for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals.
6. **APIARY.** A collection of hives or colonies of bees kept for their honey

7. **AT HEEL.** A dog is directly behind or next to a person and obedient to that person's command.

8. **AT LARGE.** Any animal found located off of the premises of its owner, and not on a leash, harness or other tether and/or not otherwise under the immediate control of a person.

9. **CAT.** All members of the domestic feline family.

10. **CRUELTY.** Any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, **CRUELTY** shall mean a failure to employ the most humane method reasonably available.

11. **DISPOSITION.** Adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. **DISPOSITION** includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

12. **DOG.** All members of the domestic canine family

13. **DOMESTIC ANIMAL.** An animal which has been domesticated by man, raised to live and breed in a tame condition and in confinement.

14. **FARM ANIMAL.** Any animal of the species fowl, ovine, caprine, bovine, porcine, camelid, cervidae and equine.

14. **GUARD DOG.** A dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

15. **IMPOUNDMENT.** The taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

16. **KENNEL.** Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

17. **MUZZLE.** A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

16. **OWNER.** Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, an animal covered herein. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

17. **PERSON.** Any person, firm, partnership, association, or corporation of any kind.

18. **PUBLIC NUISANCE ANIMAL.** Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term **PUBLIC NUISANCE ANIMAL** shall include, but not be limited to:

a. Any animal that is repeatedly found running at large;

b. Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint;

c. Any animal that damages, soils, defiles or defecates on any property other than that of its owner;

d. Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

e. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

f. Any animal in heat that is not confined so as to prevent attraction or contact with other animals;

g. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks or bites any person, or otherwise interferes with the freedom of movement of persons in a public right-of-way;

h. Any animal that chases motor vehicles in a public right-of-way;

j. Any animal that attacks or bites any domestic animal;

k. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; and

l. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

19. **SANITARY.** A condition of good order and cleanliness to minimize the possibility of disease transmission.

20. **UNDER RESTRAINT.** That an animal is secured by a leash, lead under control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

21. **VICIOUS ANIMAL** or **DANGEROUS ANIMAL.** Any animal that (1) has attacked, bitten, endangered, or inflicted injury on a human being, domestic animal, or livestock without adequate provocation, or (2) because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock, (d) is owned or harbored primarily or in part for the purpose of animal fights. An animal shall not be deemed to be vicious or dangerous if the behavior of the animal is exhibited when teased, tormented, abused or assaulted or when a trespass, tort or crime occurs on the premises where the animal is located or when the animal is protecting a human being within the vicinity from an attack or assault.

22. **VILLAGE.** The Village of Mettawa, Lake County, Illinois.

23. **VILLAGE BOARD** or **BOARD.** The President and Board of Trustees of the Village.

24. **WILD ANIMAL.** Any animal which, because of its size, vicious propensity or other characteristic would constitute a danger to human life or property, or which are generally accepted as incapable of being domesticated. The term wild animal includes, but is not limited to monkey, nonhuman primate, raccoon, skunk, coyote, wolf, fox, bear, alligator, crocodile, snake, leopard, panther, tiger, lion, lynx or any other animal that can normally be found in the wild state. (Ord. 355, passed 10-8-97; Am. Ord. 705, passed 10-18-2011)

SECTION 12.102. NUISANCE PROHIBITED.

A. It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the Village when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

B. It shall be unlawful for any person to keep any public nuisance animal on any property located within the corporate limits of the Village.

(Ord. 355, passed 10-8-97)

SECTION 12.103. KEEPING OF WILD ANIMALS.

It shall be unlawful for anyone to own, harbor, or permit at large any wild animal within the Village.

(Ord. 355, passed 10-8-97)

SECTION 12.104. KEEPING OF FARM ANIMALS

It shall be unlawful for any person to keep any farm animal within the corporate limits of the Village, except as provided in Section 12.105 and 12.106.

SECTION 12.105. KEEPING OF HORSES.

The following regulations govern the keeping of horses within the village and are designed to prevent nuisances and prevent conditions that are unsanitary and unsafe. The keeping of horses in the village is allowed only in conformance with the provisions of this section. No person shall keep horses in the village in violation of any of the provisions of this section.

A. The keeping of horses is allowed only on residential lots or parcels of at least 80,000

contiguous square feet in size. The owner of the horse or horses must be a resident of the dwelling on the lot or parcel upon which the horses are kept.

B. The maximum number of horses that are allowed to be kept upon any lot or parcel shall be determined by dividing the total square foot area of the single family residential lot or parcel upon which the horses are to be maintained by the number forty thousand (40,000), provided, however, the total number of horses kept or maintained upon any residential lot or parcel within the Village shall not exceed five (5). This subsection shall not apply to large stables allowed pursuant to special use ordinance, applicable court order or court approved agreement, approved and existing prior to ----adoption date.

C. A stable is required for the keeping of horses. No more than one stable shall be permitted per lot or parcel upon which a horse is maintained. Any accessory building intended or used for the stabling of horses shall contain one stall of a minimum of eleven and one-half feet by eleven and one-half feet (11 ½ x 11 ½) for each horse kept or maintained, not to exceed five (5) stalls. No stable shall be built or maintained within a required zoning setback. All stalls shall have built –in feeders and drinking water available. At least one (1) fire extinguisher shall be located in the structure in which horses are housed.

D. Each stable must be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, waste accumulation, decaying food, obnoxious odors and substances. All stalls must be cleaned daily. Manure and used bedding must be removed at least weekly and disposed of in a sanitary and healthful manner. Each week, between such removal, manure may be stored only in appropriate containers, screened from view from adjacent lots and rights of way. Manure shall not be allowed to be spread upon the lot or parcel.

E. Grain and other feed shall be stored in such a manner as to be protected from mice, rats and other vermin.

F. No person shall permit the keeping of horses to become a nuisance due to:

1. Noxious or offensive odors
2. Offensive noise that disturbs the peace and quiet at any time.
3. Any other public or private nuisance resulting from the maintaining of horses whether by litter, droppings, waste, the attraction of pests or rodents, or any unsanitary conditions.

G. A loafing shed, having a roof and at least three (3) enclosed sides with the open side facing south and meeting the requirements of the zoning code, may be permitted as an accessory structure.

H. A maximum of two visiting horses are permitted upon a lot or parcel at any one time. If a visiting horse remains on such lot after sunset, a loafing shed or other shelter must be provided for the temporary housing of such visiting horse. **Should there be a maximum length of time that a visiting horse will be allowed?**

I. The following are prohibited on any lots or parcels where horses are kept:

1. The public boarding of horses is prohibited.
2. Livery stables are prohibited.
3. Horse shows or exhibitions are prohibited.
4. Instruction of riders in horsemanship shall be by private lesson only.

SECTION 12.106 KEEPING OF CHICKENS

The following regulations govern the keeping of chickens within the village and are designed to prevent nuisances and prevent conditions that are unsanitary and unsafe. The keeping of chickens in the village is allowed only in conformance with the provisions of this section. No person shall keep chickens in the village in violation of any of the provisions of this section.

A. The keeping of chickens is allowed only on residential lots or parcels of at least 160,000 contiguous square feet in size. The owner of the chickens must be a resident of the dwelling on the lot or parcel upon which the chickens are kept.

B. The maximum number of hens that are allowed to be kept upon any lot or parcel shall be six.

C. It is unlawful for any person to keep roosters within the village.

D. All hens shall be provided with a covered, predator-proof coop that is well ventilated and be constructed in a manner that allows them to be easily cleaned. The chicken coop must be located upon an impermeable surface that prevents waste run-off. Coops shall be constructed of sturdy, weather resistant materials. All access doors must be able to be shut and locked and all window openings and vents must be covered with predator proof wire with less than one inch openings. All coops must provide a minimum of four square feet per chicken.

E. All hens must be provided with access to a penned area that is adequately fenced to contain the hens upon the property and prevent predators from access to the chickens. The pen must provide a minimum of 8 sq. ft. per chicken.

F. Chicken and pens coops may not be located within any front yard and must be located only in the rear yard behind the principal dwelling on the property. All coops and pens must be located a minimum of fifty (50) feet from any side property line and seventy-five (75) feet from any rear property line. Coops, pens and all other accessory structures shall occupy no more than a total of five (5) percent of the total area of any lot or parcel. Coops and pens shall not be located in any area on the lot or parcel that would constitute a nuisance to adjoining neighbors.

G. The coop and pen must be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, waste accumulation, decaying food, obnoxious odors and substances. The coop and pen must be cleaned on a regular basis.

H. All feed and other items associated with the keeping of chickens shall be protected from rodents and other animals.

I. All hens shall be prohibited from running at large.

J. The slaughtering of chickens outdoors or in any location which may be viewed by the public shall be prohibited. Chickens may be slaughtered on site only within an enclosed structure and screened from view of the public. All structures where slaughtering occurs shall be maintained in a clean and sanitary condition and shall be cleaned and sanitized the same day any slaughtering occurs. Feathers, carcasses or blood shall not be allowed to accumulate upon the property and shall be disposed of in a sanitary manner.

K. The sale of eggs shall not be permitted upon the property.

L. No person shall permit the keeping of chickens to become a nuisance due to:

1. Noxious or offensive odors chicken keeping, including the odors from the chickens, manure to be perceptible at or beyond the boundary line of the permittee's property.

2. Offensive noise from the chickens that disturbs the peace and quiet at any time.

3. Any other public or private nuisance resulting from the chicken keeping whether by litter, droppings, feathers, waste, the attraction of pests or rodents, or any unsanitary conditions.

M. A one-time permit shall be required from each person in order to keep chickens within the Village. All individuals currently keeping chickens illegally within the Village shall be required to comply with the regulations of this section. An application shall be completed and submitted setting forth the name address and phone number of the applicant; the size and location of the property upon which chickens will be kept; the number of hens the applicant seeks to keep on the property; a plan or survey providing precise location dimensions of the coop and pen in relation to property lines and information regarding the construction of the coop. The permit shall allow the Village the right to inspect the premises to ensure compliance with all regulations. The Village may

revoke a permit at any time if the village finds that the permit holder has not complied with the Village ordinance regulating the keeping of chickens or if the keeping of chickens becomes a nuisance.

SECTION 12.107. APIARIES

The following regulations govern the keeping of bees and the maintaining of apiaries within the village and are designed to prevent nuisances and prevent conditions that are unsanitary and unsafe. The keeping of bees in the village is allowed only in conformance with the provisions of this section. No person shall keep bees or maintain any apiary in the village in violation of any of the provisions of this section.

- A. Apiaries are permitted only upon residentially zoned property, however no apiary is allowed upon vacant property.
- B. Apiaries are permitted only in the rear yard and shall meet all zoning district setback requirements.
- C. No more than six (6) bee hives may be located upon any lot or parcel of property.
- D. All bee colonies must be kept in a removable frame hive, which must be kept in a sound and usable condition.
- E. The owner of an apiary must provide a supply of fresh water readily accessible available to all hives at all times.
- F. In any instance in which a colony exhibits aggressive characteristics by sting or attempting to sting without provocation or exhibits a propensity toward swarming, the owner shall promptly re-queen the colony.
- G. No Africanized bees shall be kept upon any property within the Village.

SECTION 12.108 CARING FOR ANIMALS.

A. It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.

B. No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

(Ord. 355, passed 10-8-97)

SECTION 12.109. SANITATION.

A. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following method:

1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
2. Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.

B. No person owning, harboring or keeping an animal within the Village shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

C. No person owning, harboring, keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

(Ord. 355, passed 10-8-97)

SECTION 12.110. CRUELTY TO ANIMALS.

A. It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.

B. It shall be unlawful for any person to promote, conduct or participate in any animal fights or the intentional killing of animals for wagering or entertainment.

C. It shall be unlawful for any person to paint or dye or otherwise color any animal as a novelty.

D. It shall be unlawful for any person to keep any animal in a container or other enclosed area without sufficient food, water, light, ventilation and care for an unreasonable length of time so as to cause suffering.

F. No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. These provisions are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and baits used to control insects and wild rodents.

(Ord. 355, passed 10-8-97)

SECTION 12.111. HUNTING OR TRAPPING PROHIBITED

It shall be unlawful for any person to hunt or trap animals within the Village without proper permits and authorization from the Illinois Department of Natural Resources. This prohibition does not affect the trapping and extermination of animal pests such as rats, mice, or moles, skunks, etc.

SECTION 12.112. CONTROL AND CONFINEMENT.

A. It shall be unlawful for the owner of any animal to fail to keep such animal under control or to permit such animal to run at large upon the streets and public ways of the Village.

1. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner of such private property, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be supervised and under control. Any dog confined within any vehicle shall be deemed to be on the enclosed premises of the operator thereof, and any dog securely tied or chained so as to be confined within any unenclosed lot or premises shall be deemed to be on an enclosed lot or premises.

2. Any horse that is not under saddle or being driven, while on a street, sidewalk, other public way or in any park, public square, or other public space, or upon any private property without the consent of the owner of such private property, shall be secured by a harness or rope or like device, capable of physically restraining the movement of such horse. Any horse confined within any vehicle or horse trailer shall be deemed to be on the enclosed premises of the operator thereof.

B. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

C. Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. 355, passed 10-8-97; Am. Ord. 705, passed 10-18-2011)

SECTION 12.113 NUMBER OF DOGS AND CATS ALLOWED

A. It shall be unlawful for any owner or resident of any property to keep or maintain upon such property dogs or cats or a combination thereof in a number not more than the lesser of fifteen (15) the resultant quotient obtained by dividing the total square foot area of the single family residential

lot upon which the animals are to be maintained by 10,000.

B. Notwithstanding the foregoing a litter of such animals may be kept for a period of time not exceeding five (5) months from birth.

SECTION 12.114 RABIES VACCINATION

Every owner of a dog or cat four (4) months or more of age shall cause such dog or cat to be inoculated with rabies vaccine by a licensed veterinarian at such intervals as approved by the Illinois Department of Agriculture. Every owner of a dog or cat four (4) months or more of age shall have readily available proof of current rabies inoculation for the dog or cat upon request.

SECTION 12.115. RESTRAINT OF GUARD DOGS.

A. Every owner of a guard dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least six (6) feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three (3) strands of equally separated barbed wire stretched between them.

B. All anti-climbing devices shall extend inward at an angle of not less than forty-five (45) degrees nor more than ninety (90) degrees when measured from the perpendicular.

C. The areas of confinement shall have gates and entrances thereto securely closed and located, and all fences properly maintained and escape proof.

D. The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

(Ord. 355, passed 10-8-97)

SECTION 12.116. VICIOUS OR DANGEROUS ANIMALS.

A. No person shall keep, maintain or harbor any vicious or dangerous animal within the Village. It is no defense to this section that the violating person has attempted to domesticate the dangerous or vicious animal.

(Ord. 355, passed 10-8-97)

SECTION 12.117. RETURN OF ANIMAL TO OWNER.

If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the animal control officer shall return the animal to the residential address of the owner. If there is no one present, the officer shall leave written notice of whom the owner must contact to reclaim the animal. The officer shall then remove the animal to the nearest animal hospital or shelter that will accept the animal.

(Ord. 355, passed 10-8-97)

SECTION 12.118. DISPOSITION OF ANIMALS.

A. When no animal hospital or shelter is willing to accept a large animal such as a horse, cow, mule or any other animal found on any public way or in any public place, any animal control officer or any person employed by a firm under contract with the Village to perform security or law enforcement services who removes such animal from any public way or from within any public place is authorized hereby to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the Village to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter.

B. When necessary for the protection of any person or property, any person employed by a firm under contract with the Village to perform security or law enforcement services is authorized to cause the disposition of any vicious animal.

C. Any severely injured or diseased animal for which care is not being provided on the scene and which is on any public way or within any public place or that has strayed onto private premises shall be removed, if possible, to any animal hospital or shelter willing to accept such animal. If immediate removal shall not be possible, any animal control officer or any person employed by a

firm under contract with the Village to perform security or law enforcement services may destroy such animal by the most humane method available on the scene, unless the owner of such animal shall first come forward and assume responsibility for the animal's removal and care. (Ord. 355, passed 10-8-97; Am. Ord. 705, passed 10-18-2011)

SECTION 12.119. ANIMAL BITES

A. When the animal control officer receives information that a person has been bitten by an animal, the animal shall be examined by a veterinarian within 24 hours and impounded for 10 days, following the first examination.

B. The veterinarian examining the biting animal shall notify Lake County Health Department and shall report the clinical condition of the animal in writing to the Lake County Health Officer within 24 hours.

C. Impoundment at home or at a facility under the observation of a licensed veterinarian shall be dependent upon a current rabies vaccination and the ability of the animal owner to confine the biting animal.

D. Following the examination of the biting animal at the end of the 10-day confinement period the veterinarian shall complete the report to the Lake County Health Officer the disposition of the animal on forms provided by the Lake County Health Department.

E. The animal owner is responsible for all costs relating to the examination and impoundment of the biting animal.

F. It is unlawful for the owner of a biting animal to euthanize, sell, give away, or otherwise dispose of such animal until it is released by the Lake County Health Officer or his authorized representative.

G. Any biting animal four months of age or older not currently inoculated against rabies, shall be inoculated against rabies prior to being released from confinement.

SECTION 12.120. IMPOUNDMENT.

A. In addition to any other remedies provided in this Chapter, an animal control officer or a police officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

1. Any animal at large;
2. Any public nuisance animal or other animal constituting a public nuisance or considered to be a danger to the public;
3. Any animal that is in violation of any quarantine or confinement order of the Village's chief health officer;
4. Any unattended animal that is ill, injured or otherwise in need of care;
5. Any animal that is reasonably believed to have been abused or neglected;
6. Any animal that is reasonably suspected of having rabies;
7. Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer, determines that there is a threat to public health and safety;
8. Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
9. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

B. An animal control officer or police officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a penalty of One Hundred Dollars (\$100.00) that may, at the discretion of the animal owner, be paid to the Village Clerk within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a citation shall be issued, and upon conviction for violation of this Chapter, the owner shall be punished as provided in this Chapter.

(Ord. 355, passed 10-8-97)

SECTION 12.121. NOTICE TO OWNER AND REDEMPTION.

A. Upon impoundment of an animal, the village shall immediately attempt to notify the owner by telephone or certified mail. If the owner is unknown, the village shall post written notice for seven (7) days on its website and at three (3) or more conspicuous places in the Village describing the animal and the time and place of taking. Any notice to the owner shall also include the location of the shelter or hospital where the animal is confined, hours during which the animal can be reclaimed, and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

B. An owner reclaiming an impounded animal shall be responsible for all facility charges due for each day the animal has been impounded.

C. Any animal not reclaimed by its owner within ten (10) working days shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the local humane society. (Ord. 355, passed 10-8-97)

SECTION 12.122. APPEALS.

Any person aggrieved by any decision of an animal control officer or other enforcement officer, except the issuance of a municipal infraction citation, may appeal the same by filing an appeal with the village within seven (7) days of receiving notice of the decision. Any person aggrieved by any decision or order of the Village may appeal the same to the Nineteenth Judicial Circuit Court, Lake County, Illinois.

(Ord. 355, passed 10-8-97)

SECTION 12.123. ENFORCEMENT.

Animal control officers or other designees of the Village Board shall be the enforcement officials for this Chapter. These officials, along with police officers, shall have the authority to act on behalf of the Village and the Village Board in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this Chapter. It shall be a violation of this Chapter to interfere with any animal control officer or other enforcement official in the performance of his duties.

(Ord. 355, passed 10-8-97)

SECTION 12.124. VIOLATIONS AND PENALTIES.

A. It shall be a violation of this Chapter to:

1. Fail to comply with any provision of this Chapter;
2. Fail to comply with any lawful order of the Village Board, an animal control officer, or police officer unless such order is lawfully stayed or reversed; or
3. Fail to pay any fines, civil penalties or costs imposed by the Village Board or animal control officer within fifteen (15) days of the imposition of such fines or costs, unless payment thereof is lawfully stayed.

B. Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One thousand Five Hundred Dollars (\$1,500.00). A separate offense shall be deemed to have been committed for each and every day during or on which a violation occurs or continues to exist.

(Ord. 355, passed 10-8-97)

SECTION 12.125. SEVERABILITY.

The provisions of this Chapter are declared to be severable. If any section, sentence, clause, or phrase of this Chapter shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Chapter, but they shall remain in effect; it being the legislative intent that this Chapter shall remain in effect notwithstanding the validity of any part.

(Ord. 355, passed 10-8-97)

